

**REMARKS**

Claims 1-21 were pending in the present application. By virtue of this response, claims 2-11 and 13-21 have been cancelled, claims 1 and 12 have been amended, and new claim 35 has been added. Support for the claim amendments may be found in the patent application as originally filed, including the claims as originally filed, including *inter alia* columns 7 and 8. Accordingly, claims 1, 12 and 22 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. It is believed that no new matter has been added by virtue of this amendment.

**Specification**

The examiner objected to the specification as allegedly “not in the proper English vernacular.” In response, applicant reviewed the specification and submits herewith amendments to correct various grammatical errors and to add SEQ ID NOs.

**Rejections under 35 USC § 112 (Enablement)**

Claims 1-21 stand rejected under 35 USC § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants cancelled claims 2-11 and 13-21 by virtue of this amendment. Therefore, while not conceding lack of enablement of these claims, rejections of these claims have been rendered moot and are therefore not addressed herein.

The examiner stated that “[There are many method steps that recite indefinite limitations (see rejections under 112, second paragraph), where it is unclear what is to be performed in order to generate the cFRT. Because it is unclear what steps are to be taken in practicing the method, the skilled artisan cannot make or use the claimed method by relying on the instant specification.” 5/22/06 Office Action page 4, second full paragraph. Applicants have amended claims 1 and 21, and

taken these amendments into account in new claim 35, to address the examiner's concerns regarding indefiniteness. Applicant notes that certain of the recitations in the pending claims correspond to those in granted US 6,962,804, of which the instant application is a division. Therefore, applicant believes that the pending claims should comply with the enablement requirement.

### **Rejections under 35 USC § 112 (Indefiniteness)**

Claims 1-21 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants cancelled claims 2-11 and 13-21 by virtue of this amendment. Therefore, while not conceding the indefiniteness of these claims, rejections of these claims have been rendered moot and are therefore not addressed herein.

The examiner rejected claims 1 and 12 for recitation of various phrases. In response, applicant has amended claims 1 and 12 to address the examiner's concerns. Applicant also took these amendments into account in new claim 35.

### **Double Patenting**

Claims 1-11 and 13 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-11 of U.S. Patent No. 6,962,804. Applicant cancelled claims 2-11 and 13 by virtue of this amendment. Therefore, while not conceding the obviousness-type double patent rejection of these claims, such rejections of these claims have been rendered moot and are therefore not addressed herein.

The pending claims pertain to methods for establishing *Drosophila* cell lines comprising a clipped FRT (cFRT) chromosome. Therefore, applicants believe that the scope of protection is distinct from that in US 6,962,804. Furthermore, what is sought to be protected in the new added Claim 22 also relates to a method for establishing a *Drosophila* cell line comprising a clipped FRT2L2R (cFRT2L2R) chromosome. As one nonlimiting example, *Drosophila* cell lines comprising a cFRT insertion by the claimed method may be useful as a molecular tool in the future

where a pool of such cloning system could be served as a genetic library for seeking a relevant function of a target gene in combination with current bioinformatic tools.

Given that no claims have been deemed allowable, it would be premature to submit a terminal disclaimer at this time. Applicant is willing to submit a terminal disclaimer in order to expedite prosecution of the case, should the claims at issue be deemed otherwise allowable.

**CONCLUSION**

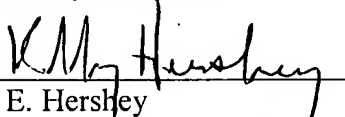
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims, reconsider the claims as amended, and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

**529872000110**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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